

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: May 30, 1996
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

Gilbert N. Smith
Arnett Bodenhamer
Councilmember Stewart Clifton
William Harbison
Janet Jernigan
James Lawson
William Manier
Ann Nielson
Stephen Smith

Absent:

Mayor Philip Bredesen

Others Present:

Executive Office:

Jeff Browning, Executive Director and Secretary
Carolyn Perry, Secretary II

Current Planning and Design:

Edward Owens, Planning Division Manager
Mitzi Dudley, Planner III
Shawn Henry, Planner III
Tom Martin, Planner III
John Reid, Planner II
Charles Hiehle, Planning Technician II

Advance Planning and Research Division:

Jeff Ricketson, Planning Division Manager
Deborah Fleming, Planner III
Cynthia Lehmbeck, Planner III
Jacqueline Blue, Planner I

Community Plans Division:

Jerry Fawcett, Planning Division Manager
Robert Eadler, Planner II
Debbie Frank, Planner I
Jennifer Uken, Planner I

Others Present:

Jim Armstrong, Public Works Department
Tom Cross, Legal Department
Leslie Shechter, Legal Department

Chairman Smith called the meeting to order.

ADOPTION OF AGENDA

Ms. Jernigan moved and Mr. Lawson seconded the motion, which unanimously passed, to adopt the agenda.

ANNOUNCEMENT OF DEFERRED ITEMS

At the beginning of the meeting, staff listed the deferred items as follows:

175-75-G	Deferred two weeks, by applicant.
66-84-U	Final Plat deferred two weeks, by applicant.
94P-008U	Deferred two weeks, by applicant.
312-84-G	Deferred two weeks, by applicant.
96S-099U	Deferred two weeks, by applicant.
96S-187U	Deferred indefinitely, by applicant.
96M-056U	Deferred indefinitely, by applicant.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to defer the items listed above.

APPROVAL OF MINUTES.

Mr. Lawson moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of May 16, 1996.

RECOGNITION OF COUNCILMEMBERS

Councilmember Eileen Beehan spoke in favor of Proposal No. 96M-058U, Purchase of Property on Russell Street.

Councilmember At Large Leo Waters spoke in favor of Zone Change Proposal No. 96Z-031G.

ADOPTION OF CONSENT AGENDA

Ms. Nielson moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the followings items on the consent agenda:

APPEAL CASES:

Appeal Case No. 96B-080U

Map 116-13, Parcel 101
Subarea 7
District 34

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct a 144 square foot addition within the CS District, on property abutting the east margin of Memphis Bristol Highway, approximately 300 feet south of Leake Avenue (.84 acres), requested by Richard Minton, appellant/owner.

Resolution No. 96-343

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-080U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-081U
Map 105-11, Parcel 116
Subarea 11
District 17

A request for a conditional use permit under the provisions of Section 17.124.180 (Utility and vehicular uses) as required by Section 17.24.030 to convert the improvements on the existing parcel to a neighborhood alert center within the R6 District, on property abutting the southwest corner of Southgate Avenue and Allison Place (.34 acres), requested by Paul Johnson, for MDHA, appellant/optionee.

Resolution No. 96-344

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-081U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

Appeal Case No. 96B-084U
Map 95, Part of Parcels 114 and 109
Subarea 14
District 15

A request for a conditional use permit under the provisions of Section 17.124.360 (Floodplain) as required by Section 17.116.030 to construct three separate buildings with parking for a new 133 unit (46,620 square foot) extended stay hotel within the CS and CG Districts, on property abutting the south margin of Elm Hill Pike and the east margin of McGavock Pike (6.67 acres), requested by Tom Cobb, for Homestead Village, appellant.

Resolution No. 96-345

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-084U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria."

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-037U
Map 134, Part of Parcel 289
Subarea 13
District 27

A request to change from AR2a District to CS District certain property abutting the north margin of Citation Drive, and the east margin of Donelson Pike (6.2 acres), requested by Peter Linstrom, for Central State Hospital, owner.

Resolution No. 96-346

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-037U is **APPROVED**:

This property is located near the airport and falls within major transportation policy in the Subarea 13 Plan. The CS district will facilitate the implementation of this policy."

Zone Change Proposal No. 96Z-052U
Map 80, Parcels 20 and 21
Subarea 3
District 1

A request to change from AR2a District to IR District certain property abutting the southeast margin of the Briley Parkway right-of-way and the east margin of the Cumberland River (81.76 acres), requested by Charles Hawkins, III, for Mitchell Magrid and B. D. Mintz, owners.

Resolution No. 96-347

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-052U is **APPROVED**:

The Subarea 3 Plan places this property within industrial policy. The IR district will implement this policy."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 64-87-P
Covington Place
Map 52-5, Parcel 182
Map 52-1, Parcels 309, 310, 327, 328 and 329
Subarea 4
District 8

A request to revise the approved preliminary site development plan of the Residential Planned Unit Development District abutting the east margin of Idlewild and both sides of Rothwood Avenue (3.41 acres), to permit the development of 23 single-family lots, requested by Dale and Associates, for Melvin and Jeff George, owners. **(Deferred from meeting of 05/16/96).**

Resolution No. 96-348

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 64-87-P is given **CONDITIONAL APPROVAL**. The following conditions apply:

1. A study of the downstream drainage will need to be conducted in conjunction with the submittal of the final plan.
2. The language 'Site Triangle' should be replaced by 'Site Distance Easement' on the preliminary plan.
3. The building envelopes that are affected by the Site Distance Easement should be clearly shown out of this easement.

Proposal No. 89P-013U
Hickory Bell Retail
Map 162, Parcels 75 and 76
Subarea 12
District 31

A request for final approval for a phase of the Commercial (General) Planned Unit Development District, (5.052 acres) abutting the south margin of Old Hickory Boulevard, 1,000 feet east of Nolensville Pike, to permit the development of a 41,300 square foot retail sales and service facility, requested by Dale and Associates, for Frankie Fani, owner. **(Deferred from meeting of 05/16/96).**

Resolution No. 96-349

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 89P-013U is given **CONDITIONAL FINAL APPROVAL FOR A PHASE.** The following conditions apply:

1. Minor changes to the on-site detention area to the satisfaction of the Stormwater Management Section of Public Works.
2. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of Public Works."

Proposal No. 28-74-U
Hickory Hollow Business Center
Map 163, Part of Parcel 201
Subarea 13
District 31

A request to revise the approved final site development plan of the Commercial (General) Planned Unit Development District (3.74 acres), abutting the southwest quadrant of Bell Road and Cane Ridge Road, to permit the development of a 190 foot cellular tower, requested by Sprint Spectrum L.P., Hickory Hollow Stor-N-Lok, owner.

Resolution No. 96-350

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 28-74-U is given **APPROVAL.**

Proposal No. 155-74-G
Larchwood
Map 97, Part of Parcel 36
Subarea 14
District 14

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District abutting the north margin of Percy Priest Drive, 800 feet west of Stewart's Ferry Pike, to permit the development of a 120 foot cellular monopole, requested by BellSouth Mobility, Inc., SAI, Inc., owner.

Resolution No. 96-351

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 155-74-G is given **APPROVAL**.

Proposal No. 6-81-U

The Summit
Map 171-2, Part of Parcel 19
Subarea 12
District 32

A request to revise the final site development plan of the Commercial (General) Planned Unit Development District (5.94 acres), abutting the southwest quadrant of Summit View Drive and Summit View Place, to permit the development of a 190 foot cellular tower, requested by Sprint Spectrum L.P., Kenneth Kraft, (trustee), owner.

Resolution No. 96-352

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 6-81-U is given **CONDITIONAL APPROVAL**. The following condition applies:

Receipt of written confirmation of approval from the City of Brentwood."

Proposal No. 66-84-U

The Lexington (formerly Williamsburg Village)
Map 128-4-A, Part of Parcel 7
Subarea 6
District 23

A request to revise the approved preliminary site development plan and for final approval for Phase Two and Phase Three of the Residential Planned Unit Development District, abutting the east margin of Old Hickory Boulevard (48.6 acres), opposite Ridgelake Parkway, to permit the development of 348 multi-family units, requested by Ragan-Smith and Associates, Inc., for South Atlantic Limited Partnership, optionee.

Resolution No. 96-353

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 66-84-U is given **CONDITIONAL APPROVAL OF REVISION TO THE PRELIMINARY AND FOR FINAL FOR PHASES 2 AND 3; FINAL PLAT DEFERRED AT REQUEST OF THE APPLICANT**. The following conditions apply:

1. Receipt of modified drainage calculations and drainage plans which meet the requirements of the Department of Public Works for detention and/or downstream drainage improvements for protection of downstream residences.
2. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering sections of the Department of Public Works.
3. Recording of the plat which creates the parcels prior to issuance of building permits."

Proposal No. 53-86-P
Rivergate Square (Home Depot)
Map 34-5, Parcel 112
Subarea 4
District 10

A request to revise the approved final site development plan for the Commercial (General) Planned Unit Development District, abutting the southwest margin of Gallatin Pike and Alta Loma Road (.70 acres), to permit the construction of a concrete deck over a detention area to provide 80 additional parking spaces for the Commercial Planned Unit Development District, requested by Ragan-Smith and Associates, for Home Depot U.S.A., Inc.

Resolution No. 96-354

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 53-86-P is given **CONDITIONAL APPROVAL OF REVISION TO FINAL**. The following conditions apply:

1. Applicant is required to submit plans showing the placement of a liner and rip-rap in the detention area.
2. Receipt of written confirmation of approval from the Stormwater Management and Traffic Engineering Sections of Public Works.”

SUBDIVISIONS:

Final Plats:

Subdivision No. 16-86-P
Hermitage Market Place
Map 75, Parcel 122
Subarea 14
District 12

A request to create nine lots abutting the northeast margin of Old Hickory Boulevard, approximately 268 feet northwest of Old Lebanon Dirt Road (31.2 acres), classified within the R10 Commercial Planned Unit Development District, First Tennessee Bank National Association, owner/developer, E. Roberts Alley and Associates, Inc., surveyor. **(Deferred from meetings of 05/2/96 and 05/16/96).**

Resolution No. 96-355

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 16-86-P, is granted **CONDITIONAL APPROVAL** subject to posting a performance bond in the amount of \$268,700.00.”

Subdivision No. 90P-020G
Heron Walk, Section One
Map 52-8, Part of Parcel 196
Subarea 4
District 9

A request to create 36 lots abutting the southwest margin of Cheyenne Boulevard, opposite Cheyenne Trace and Cheyenne Circle (8.77 acres), classified within the R10 Residential Planned Unit Development District, requested by Alen and Betty F. Earps, owners/developers, MEC, Inc., surveyor.

Resolution No. 96-356

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 90P-020G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$293,000.00.”**

Subdivision No. 93P-021G
Holt Woods, Section 10
Map 172, Part of Parcels 188 and 206
Subarea 12
District 31

A request to create 36 lots abutting both margins of Bryce Road, approximately 80 feet north of Cobble Street (12.18 acres), classified within the R20 Residential Planned Unit Development District, requested by Hurley-Y, L.P., owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Resolution No. 96-357

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 93P-021G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$518,000.00.”**

Subdivision No. 95S-058G
S & J Subdivision
Map 52-1, Parcels 343 and 344
Subarea 4
District 9

A request to create eight lots abutting the west margin of Forest Park Drive, approximately 350 feet north of Neeleys Bend Road (1.46 acres), classified within the R6 District, requested by Joe Garza and Samuel Adamez, owners/developers, George C. Gregory, surveyor. **(Previous approval lapsed 11/18/95).**

Resolution No. 96-358

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 95S-058G, is granted **CONDITIONAL APPROVAL subject to posting a performance bond in the amount of \$63,000.00.”**

Subdivision No. 96S-043U
Asheford Crossings, Section 2, 1st Revision
Map 164, Part of Parcel 14
Subarea 13
District 29

A request to increase the size of two lots, show additional parcel numbers, to amend the legend and the addition of a 15 foot drainage easement on lots abutting both margins of Asheford Trace, approximately 130 feet southeast of Cedar Ash Crossing (17.21 acres), classified within the RS8 Residential Planned Unit Development District, requested by Phillips Builders, Inc., owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 96-359

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-043U, is granted **APPROVAL.”**

Subdivision No. 96S-135U

Hollis H. Malone Subdivision
Map 33, Part of Parcel 50
Subarea 2
District 10

A request to create two lots abutting the southwest corner of Campbell Road and Dickerson Pike (1.02 acres), classified within the R20 District, requested by Hollis H. and Deborah C. Malone, owners/developers, L. Steven Bridges, Jr., surveyor.

Resolution No. 96-360

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-135U, is granted **APPROVAL**.”

Subdivision No. 96S-137G
Riverhenge Subdivision, Section 1
Map 77, Part of Parcel 8
Subarea 6
District 23

A request to create two lots abutting the northwest margin of Cub Creek Road, approximately 5,700 feet southwest of River Road Pike (4.29 acres), classified within the AR2a District, requested by Walton L. and Robert A. Dunn, owners/developers, Walker Engineering, surveyor.

Resolution No. 96-361

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-137G, is granted **APPROVAL**.”

Subdivision No. 96S-193U
Horton Heights, Section 3
Revision of Lots 160, 161 and 162
Map 102-11, Parcels 41, 42 and 43
Subarea 7
District 23

A request to consolidate three lots into one lot abutting the southeast corner of Charlotte Pike and West Hillwood Drive (2.84 acres), classified within the RS40 District, requested by Horton Heights Free Will Baptist Church, owner/developer, Dale and Associates, Inc., surveyor.

Resolution No. 96-362

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the FINAL Subdivision No. 96S-193U, is granted **APPROVAL**.”

Request for Bond Extension:

Subdivision No. 154-73-G
Hermitage Creste
Hermitage Creste Apartments, L.P., principal

Located abutting the east margin of Andrew Jackson Way, approximately 930 feet south of Old Lebanon Dirt Road.

Resolution No. 96-363

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 154-73-G, Bond No. 94BD-014, Hermitage Crete, in the amount of \$23,600 until October 1, 1996, as requested, said approval being contingent upon submittal of a letter by July 3, 1996 from the American Specialty Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 177-80-U

Bell Crest, Section Two

MCR Development Corporation, principal

Located abutting the east margin of Hickory Park Drive, opposite Clubhouse Lane.

Resolution No. 96-364

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 177-80-U, Bond No. 95BD-054, Bell Crest, Section Two, in the amount of \$37,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 31-86-P

Whitworth, Phase Three, Section Two

Clements-Bartosh Interests, L.L.C., principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 96-365

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-094, Whitworth, Phase Three, Section Two, in the amount of \$27,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 31-86-P

Whitworth, Phase Three, Section Three

Clements-Bartosh Interests, L.L.C., principal

Located abutting the northwest corner of Woodlawn Drive and Compton Road.

Resolution No. 96-366

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 31-86-P, Bond No. 94BD-095, Whitworth, Phase Three, Section Three, in the amount of \$77,500 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 134-84-G

Grove at Devon Hills
HSW Devon Hills Associates I, L.P., principal

Located abutting the east margin of Old Hickory Boulevard, approximately 45 feet south of Devon Valley Drive.

Resolution No. 96-367

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 134-84-G, Bond No. 94BD-067, Grove at Devon, in the amount of \$20,000 until August 15, 1996, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to February 15, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 85-85-P
Brentwood Commons, 2nd Revision
American General Life and Accident
Insurance Company, principal

Located abutting the north margin of Old Hickory Boulevard, approximately 800 feet east of Franklin Pike Circle.

Resolution No. 96-368

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 85-85-P, Bond No. 95BD-056, Brentwood Commons, 2nd Revision, in the amount of \$13,500 until September 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to March 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 78-87-P
Fredericksburg, Section Five-C
Radnor Homes, Inc., principal

Located on both margins of Fredericksburg Way East, approximately 100 feet east of Loudon Place.

Resolution No. 96-369

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 78-87-P, Bond No. 95BD-068, Fredericksburg, Section Five-C, in the amount of \$46,500 until June 1, 1997, as requested, said approval being contingent upon submittal of a letter by July 3, 1996 from the Frontier Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 88S-207G
Northgate Business Park
Northgate Business Park Associates, principal

Located on the east side of Myatt Drive, approximately 280 feet north of Myatt Boulevard.

Resolution No. 96-370

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 88S-207G, Bond No. 89BD-009, Northgate Business Park, in the amount of \$41,950 until July 1, 1996, as requested, said approval being contingent upon submittal of a letter by June 15, 1996 from the Amwest Surety Insurance Company agreeing to the extension. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 89-87-P
Chateau Valley, Phase One
Chateau Associates, Ltd., principal

Located abutting the east terminus of Stokers Lane.

Resolution No. 96-371

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 89-87-P, Bond No. 89BD-002, Chateau Valley, Phase One, in the amount of \$32,500 until July 1, 1996, as requested."

Subdivision No. 89P-003G
Still Spring Hollow, Section One, Phase One
Greater Middle Tennessee Development
Partnership, principal

Located east of Hicks Road, approximately 900 feet north of Highway 100.

Resolution No. 96-372

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 89P-003G, Bond No. 89BD-016, Still Spring Hollow, Section One, Phase One, in the amount of \$35,600 until July 1, 1996, as requested."

Subdivision No. 93S-197G
MeadeVue Subdivision
Buddy Dunn Contractors, principal

Located abutting the southeast margin of Sawyer Brown Road, approximately 100 feet northeast of Hicks Road.

Resolution No. 96-373

"BE IT RESOLVED by the Metropolitan Planning Commission that I hereby APPROVES the request for an extension of the performance bond for Subdivision No. 93S-197G, Bond No. 94BD-056, MeadeVue Subdivision, in the amount of \$40,000 until August 15, 1996, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to February 15, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94P-017G
October Woods, Phase One, Section One
October Woods, L.P., principal

Located abutting the west margin of Old Hickory Boulevard, approximately 900 feet south of Hobson Drive.

Resolution No. 96-374

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94P-017G, Bond No. 95BD-020, October Woods, Phase One, Section One, in the amount of \$45,000 until October 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94P-017G

October Woods, Phase One, Section Two
October Woods, L.P., principal

Located abutting the west margin of Old Hickory Boulevard, 900 feet south of Hobson Drive.

Resolution No. 96-375

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94P-017G, Bond No. 95BD-083, October Woods, Phase One, Section Two, in the amount of \$93,000 until June 1, 1997, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to December 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

Subdivision No. 94S-388G

J & G Subdivision
Bill Sudekum, co-principal
Gerlie Rickard, co-principal

Located abutting the west margin of Dickerson Pike, approximately 300 feet south of Mulberry Downs.

Resolution No. 96-376

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of the performance bond for Subdivision No. 94S-388G, Bond No. 94BD-107, J & G Subdivision, in the amount of \$24,000 until September 1, 1996, as requested, said approval being contingent upon posting an amended letter of credit by July 3, 1996 and extending the expiration date to March 1, 1997. Failure of principal to provide amended security documents shall be grounds for collection without further notification."

MANDATORY REFERRALS:

Proposal No. 96M-057U

Acquisition of Easements
Map 172, Parcels 10, 11, 11.1, 11.2, 119, 17,
18, 183, 19, 16, 20, 97, 98, 99, 100 and 101
Subarea 12
District 32

A request from the Department of Water and Sewerage Services to acquire easements for the purpose of building the Wexford Downs Off-site Sanitary Sewer.

Resolution No. 96-377

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-057U.

Proposal No. 96M-058U
Ordinance No. O96-297
Purchase of Property on Russell Street
Map 82-16, Parcel 117
Subarea 5
District 6

A request from MDHA to purchase the property located at 931 Russell Street to rehabilitate the structure for residential uses.

Resolution No. 96-378

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-058U.

Proposal No. 96M-059U
Ordinance No. O96-298
Map 92, Parcel 288
Subarea 10
District 21

A request from the Metro Police Department to lease office space in the John Hancock Life Insurance Building for the purpose of relocating certain departments.

Resolution No. 96-379

"BE IT RESOLVED by the Metropolitan Planning Commission that it **APPROVES** Proposal No. 96M-059U.

This concluded the items on the consent agenda.

PUBLIC HEARING ON THE HOUSING FUNCTIONAL PLAN:

Ms. Deborah Fleming explained that the Housing Plan is one of the functional plans that are designed to address particular community facilities or functions in greater detail than is found in the General Plan. She stated that the purpose of the Housing Plan is to provide guidance and policies to the public and private sectors for meeting local housing needs, both now and in the future. Ms. Fleming listed the 3 major goals contained in the General Plan for increasing housing opportunity in Nashville over the next 20 years. She then discussed some of the identified housing issues and needs in Nashville in terms of diversity and affordability. Ms. Fleming concluded her remarks by explaining the recommended strategies in the Housing Plan for expanding housing choice, preserving existing housing stock and neighborhoods, and increasing the amount of affordable housing.

Mr. Kenny McLamore stated the Housing Plan as presented will not address the most severe housing problems in Davidson County, and he encouraged the Commission not to adopt the plan yet because it was based on old data such as the 1990 census figures. Since 1990 rent has gone up approximately ten percent and the median sale price of a single family home in Davidson County has gone up twenty-three percent in one year. In the period of one year the HUD budget has been cut by twenty-five percent, and this plan does not take that into account. The major mechanism for people to get subsidy in the open market is a section eight program, and even before the current cutbacks started it was difficult to use a section eight voucher in

Nashville because the vacancy rate is approximately two or three percent. He also noted this plan did not address public housing.

Mr. John Stern stated there should more public input.

Mr. Lawson mentioned this information was passed through the Nashville Agenda group and a lot of historical information that was used came from the Planning Commission.

Ms. Jernigan stated there were a lot of non-profit groups operating in the Nashville area that could provide a lot of instructive input. Also, in the first week of June the study by VIPPS for the Council of Community Services, and Demographic Data Consultants, Commissioned by United Way will be released, and there will be a lot housing information contained in those studies.

Councilmember Clifton stated he felt the public hearing should be left open for more public input.

Ms. Nielson moved and Mr. Lawson seconded the motion, which passed unanimously, to defer approval of the Housing Functional Plan until July 25 and to keep the public hearing open.

APPEAL CASES:

Appeal Case No. 96B-079U
Map 148, Part of Parcel 65
Subarea 13
District 28

A request for a conditional use permit under the provisions of Section 17.124.330 (mining and quarrying) as required by Section 17.24.030 to use the property for removal of top soil within the AR2a District, on property abutting the south margin of Franklin Limestone Road, approximately 100 feet west of Billingsgate Road (approximately 24 acres), requested by Houston Ezell, for Houston Ezell Corporation, appellant/owner.

Mr. Reid stated the staff is suggesting that the application meets the conditional use criteria. The applicant wants to remove top soil within the AR2a District. This property falls within residential policy on the subarea plan, and staff believes the property, after this grading plan is accomplished, will still allow the property to develop as residential and implement the residential policy. The Zoning Administrator has determined this removal of top soil is classified under the activity type of mining, and in the zoning code mining is listed along with sawmills and quarries. While there are specific conditional use criteria for sawmills and quarries, there are no specific conditional use criteria for mining. Staff has been instructed by the Legal Department to apply the general conditional use criteria, which apply to all conditional uses and that include looking at the public health, safety and welfare and insuring that other properties surrounding the project are not adversely affected. In terms of the design of the proposal, the applicant will remove a significant amount of top soil and trees in the center of the site. He will maintain a twenty foot buffer on the perimeter of the property and maintain trees within that perimeter. Since this will be a temporary operation, staff believes this perimeter buffer yard will provide compatibility with the surrounding neighborhood, and the grading plan will allow this property to develop as residential in the future.

Councilmember Durward Hall sent a letter in opposition to the project because the removal of the top soil and the trees will go against the intent of the Tree Ordinance and render the property suitable for eventual residential development.

Mr. Bodenhamer stated he was concerned about the traffic in the area and that the Board of Zoning Appeal should be made aware of the potential of additional truck traffic related to this operation.

Mr. Harbison moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-380

"BE IT RESOLVED that the Metropolitan Planning Commission offers the following recommendation for Appeal Case No. 96B-079U to the Board of Zoning Appeals:

The site plan complies with the conditional use criteria; The Board of Zoning Appeals is encouraged to consider impacts of truck traffic on Franklin Limestone Road."

Ms. Jernigan left at this point in the agenda.

ZONE CHANGE PROPOSALS:

Zone Change Proposal No. 96Z-031G

Map 69, Parcel 1

Subarea 3

District 1

A request to change from R15 District to IR District certain property abutting the northwest corner of Ashland City Highway and the Briley Parkway right-of-way (15.16 acres), requested by Craig and Scott Dooley, for Marshall Ney Cheatham, Jr., owner. **(Deferred from meetings of 04/18/96 and 05/16/96).**

Ms. Dudley stated the staff recommended disapproval of this request as contrary to the general plan. Policy in this area is residential. During the subarea process a lot of attention was give to this area by the subarea planning committee. There was a lot of discussion at the time about what kind of policy to apply around Briley Parkway. There is commercial policy to the south and even farther south there is industrial policy near the river. This residential policy was applied as a deliberate decision of the Commission when the Subarea 3 Plan was adopted to establish a clear residential presence in both of the north quadrants of the interchange. While an argument could be made to justify some non-residential policy and zoning in this northwest quadrant, staff strongly believes this would require an amendment to the subarea plan before any approval of the IR District.

Mr. Bodenhamer asked if there had been any correspondence from the neighbors in the area?

Ms. Dudley stated there was no correspondence from the neighbors but there was a letter from Regina Patton stating she had attended a meeting with approximately twenty-five people who were in support of the proposal.

Councilmember Tim Garrett stated he was also representing Councilmember Regina Patton and they were both supportive of the proposal. The individuals involved in the surrounding area understand the zoning change.

Chairman Smith asked if the people who own the property in the neighborhood around the subject property understand if the General Plan is revisited there probably will be a buffer area that would have a higher density of residential next to this piece of property.

Councilmember Garrett stated it was his understanding from Councilmember Patton that those individuals do know that other areas may be considered.

Mr. Tom White, representing the Dooleys who are the owners of the property, stated the proposed use for the property would a millwork operation. The subarea map reflects residential medium-high density policy on this property in the northwest quadrant. All the other property beyond that is natural conservation. The

southwest quadrant is commercial. The difference between the requirements for residential medium-high density and that of industrial are minor. The subarea plan uses very similar criteria in determining appropriate locations for higher density residential and industrial policy. Mr. White asked the Commission to either approve the plan as suggested or to disapprove the plan but declare it is not in violation of the General Plan.

Mr. Browning suggested the Commission may have some rethinking to do regarding the land use pattern in this area because in that interchange location the policy on the south is a commercial policy, not industrial. What the applicant is requesting is an industrial zoning on the northwest quadrant and that will require an industrial policy. The Planning Commission should re-examine the land use pattern in the general area before any final decision is made on this proposal.

Mr. Lawson agreed with Mr. Browning's suggestion to re-examine the area and the Subarea Plan, but suggested this is a minor rezoning which is buffered, and should be able to proceed by reinterpretation of policy by the Commission.

Mr. Manier expressed his concerns because this is a lightly developed area and the Subarea 3 Plan could put a wide variety of uses on this land. It does not have a pronounced character as residential, commercial or industrial. Whatever decision the Commission makes will establish an important precedent for future rezoning in this vicinity. He stated the recent court decision forces him as a Commissioner to take a closer look at how he views the effect of the General Plan. This proposal is deserving of rezoning but the General Plan should be modified or amended before the property is rezoned IR.

Ms. Jernigan stated she felt a deferral would be in order because she felt the land use policy needed to be revisited since Briley Parkway has been completed and at the time all its implications were not foreseen.

Mr. Harbison stated he did not disagree in general with Mr. Manier but felt when there was a close call like this proposal, it is not a plan amendment when making a close interpretive call.

Considerable discussion occurred about the possibility of holding a subarea plan amendment hearing prior to the Council public hearing date. Mr. Browning explained that the hearing could be set for June 27, at which time the Commission could amend the Subarea 3 component of the general plan, and act on the rezoning request prior to the July 2 Council public hearing.

Mr. White stated if there is a public hearing scheduled on June 27th he could not see any problem with having it heard at the Council Public Hearing in July. The concern is that on June 27th this Commission is scheduled to have a public hearing on the entire new zoning ordinance.

Ms. Jernigan moved and Mr. Manier seconded the motion, which passed unanimously, to defer this proposal for four weeks, until the June 27, 1996 meeting. The Commission instructed the staff to set June 27, 1996 as the date to consider an amendment to this part of the Subarea 3 plan.

Zone Change Proposal No. 96Z-047G
Map 85, Part of Parcel 7
Subarea 14
District 14

A request to change from AR2a District to RS20 District certain property abutting the north margin of Stones River Road, approximately 550 feet west of Lebanon Pike (70 acres), requested by Brock A. Rust, for Ravenwood Club, owner. **(Deferred from meeting of 05/16/96).**

Ms. Dudley stated this area was residential medium-low policy in the newly updated Subarea 14 Plan. The RS20 District, which permits up to four dwelling units per acre is appropriate to implement this policy category and staff is recommending approval. There have been a number of neighborhood meetings in this

area and there are concerns regarding traffic issues, street circulation, potential connections and effects on property values.

Mr. Brock Rust stated he was present to answer questions.

Ms. Mary Thom, a resident in Stone's River Estates, stated this proposal was premature because Ravenwood did not own the property. She expressed concerns regarding the rezoning because of excess, traffic, access and quality of utilities. She asked the Commission to deny the request for rezoning.

Chairman Smith said the rules stated a petitioner must have either an option to purchase or permission from a group to approach the Commission for a rezone.

Ms. Dudley stated that was true for Planned Unit Developments; however, anyone can petition for a rezoning. Ms. Dudley stated the more appropriate time to consider questions of adequate utilities, roads, etc., would be when a subdivision is proposed on the property.

Mr. Stephen Smith moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-381

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-047G is **APPROVED**:

This property falls within residential low-medium density policy (permitting up to 4 dwelling units per acre). The RS20 district will implement that policy."

Zone Change Proposal No. 96Z-050U
Map 91-7, Parcels 97 to 100
Subarea 7
District 21

A request to change from CS and R6 Districts to CG District certain property abutting the northwest corner of Tennessee Avenue and 51st Avenue North (.75 acres), requested by James L. Grissom, for Industrial Partners, owner.

Ms. Dudley stated staff was recommending disapproval of this proposal. Most of the area is zoned R6 with CG and industrial zoning to the north and east. The issues in this community are very complex. Commercial arterial existing policy has been applied along 51st Avenue. Because of the industrial area there are a lot of heavy trucks that use 51st Avenue and the residential streets.

It is a major intent of the subarea plan to mitigate some of the bad influences that have happened. There are still vacant properties along 51st. There are churches, businesses and some residential property within the CS zoning. One of the purposes of this commercial existing policy is to contain the zoning there today without letting it spread. For those areas already zoned commercially, additional businesses or offices are appropriate. However, it is inappropriate to add additional commercial zoning, which this request would do.

Councilmember Aaron Holt stated he was very familiar with this area and its problems because the area used to be within his council district. It is currently within Mr. McCallister's district.

Mr. Lawson stated the intrusion into the residential neighborhoods must be stopped or there will be no opportunities to revitalize areas residentially.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-382

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-050U is **DISAPPROVED:**

This area falls within commercial arterial existing policy along both sides of 51st Avenue. The objective of this policy is to acknowledge the existence of commercial areas while discouraging their expansion into the adjacent residential neighborhoods. Introducing the more impactful CG district into this area would intrude into the residential neighborhood."

Mr. Stephen Smith left at this point in the agenda.

Zone Change Proposal No. 96Z-051U
Map 105-7, Parcel 228
Subarea 11
District 19

A request to change from R6 District to CG District certain property abutting the northwest corner of Hamilton Avenue and Martin Street (.27 acres), requested by Leo Reed, owner.

Ms. Dudley stated the staff was recommending disapproval of the rezoning request, because it would disrupt a well established, defined line between commercial and residential zoning. She stated the current zoning boundary was established in 1974, and no rezonings have occurred in the area since. The zoning boundary is along the rear property lines of the residential uses, the most stable relationship between residential and commercial zoning. The rezoning requested, if approved, would form a wedge of commercial zoning penetrating the residential neighborhood, which has remained remarkably stable and well maintained through the last twenty years.

Mr. Leo Reed, owner, stated he lived in this residential area and this was a high volume traffic area. He said he had met with the neighborhood and no one was against his proposal. The use will be for a print shop and should cause no problems in the area.

Councilmember Clifton moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-383

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-051U is **DISAPPROVED:**

This property falls at the boundary between residential and industrial policy. While this property backs up to CG zoning within the industrial policy, extending CG zoning in this general area would adversely affect the residential neighborhood."

Zone Change Proposal No. 96Z-053U
Map 91-8, Parcel 204
Subarea 7
District 21

A request to change from R6 District to OP District certain property abutting the north margin of Michigan Avenue, approximately 725 feet west of 44th Avenue North (.18 acres), requested by Joey C. Eades, Jr., owner.

Ms. Dudley stated this proposal was similar to the two previous proposals in that it would allow commercial zoning to intrude into the residential neighborhood. Ms. Dudley pointed out that the property in question is adjacent to and across the street from other residential properties. Rezoning of this property would allow spread of commercial zoning into the residential area which struggles to remain stable.

Ms. Nielson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-384

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-053U is **DISAPPROVED**:

This property is within residential policy in the Subarea 7 Plan. The Subarea Plan offers a design plan which proposes creative techniques of resolving existing and potential land use conflicts, such as redirecting commercial and industrial traffic out of the residential areas, redesigning street patterns, and providing extensive landscape buffering. The use of design solutions instead of zoning transitions is preferred when addressing land use conflicts. The design solutions of the Subarea Plan will further the goals of the Subarea 7 Plan to protect and enhance the residential neighborhood."

Zone Change Proposal No. 96Z-054G

Map 42-10, Parcels 43-47 and 53

Subarea 4

District 3

A request to change from R20 District to CH or CS District certain property abutting the southwest corner of Old Hickory Boulevard and Head Drive, and the east margin of I-65 (4.06 acres), requested by Karen Barnes, for various owners.

Ms. Dudley stated the surrounding property is all zoned R20 and the Subarea 4 Plan places residential policy on all four quadrants of this interchange. The policy is residential and the request for either CH or CS would not implement that policy; staff recommended disapproval.

Ms. Karen Barnes, a realtor representing the owners, stated this area is no longer conducive to residential living because of the high traffic volume in this location. By rezoning only the properties that front Old Hickory Boulevard and border I-65 would preserve the integrity of the neighborhoods behind it.

Mr. Manier moved and Mr. Lawson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-385

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 96Z-054G is **DISAPPROVED**:

Although this property is located at the I-65/Old Hickory Boulevard interchange, the Subarea 4 Plan places these parcels in residential low density policy. Placing commercial zoning on these properties would undermine the residential land use policy of this area."

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS:

Proposal No. 182-83-G
Breckenridge Apartments
Map 42, Parcels 40, 41, 42 and 51
Subarea 2
District 3

A request to amend the approved preliminary site development plan for the Residential Planned Unit Development District abutting the north margin of Old Hickory Boulevard, west of Interstate 65 (North), (133.7 acres), to permit the development of a 454 unit residential complex, and to remove the requirement to construct a collector street, requested by Ragan-Smith Associates, Inc., for Security Capital Atlantic, Inc., optionee. **(Deferred from meeting of 05/16/96).**

Mr. Martin stated the request would revise an existing multi-family PUD by reducing the number of proposed dwelling units, by converting the street within the development to a private drive, and by dead ending the private drive so that it would not form a part of the collector street system providing a means of passing under I-65. Mr. Martin stated the staff concurred with the density reduction, but recommended disapproval of the proposed development as contrary to the general plan, because it does not implement the collector plan which is part of the general plan.

Mr. Martin informed the Commission that the 1983 plan showed a roadway that came through the site and connected Nesbit Lane to Old Hickory Boulevard by passing under I-65. This plan implemented the need for additional traffic flow from Old Hickory Boulevard toward the Rivergate area to the northeast. When the first 190 units were developed, a portion of the collector street was improved. The revised plan would eliminate that needed collector.

Mr. Martin stated the current developer is not the same one who originally proposed the PUD with the collector street, and who constructed the first phase. This potential buyer wants to avoid the cost of constructing the collector street and having the complex penetrated by a public street.

Councilmember Ron Nollner stated he was approached by Security Capital Atlantic Corporation and they were proposing to purchase this property and reduce the PUD from 1,064 to 450. He stated the proposed buyers were not trying to get out of building the street but that they liked the idea of not having a thoroughfare street through the apartments.

Mr. Randy Caldwell, with Ragan-Smith, stated Security Capital was not disagreeing they were not in conformance with the adopted street plan. There is a preliminary PUD in place that is also inconsistent with the street plan. He asked the Commission to make an interpretation of which plan may better benefit the street plan in place now. This is not a cost issue on developing the roadway. It is a liability issue.

Mr. Caldwell stated the petitioner is offering the opportunity to downsize the development to 454 units. A lot of the property will be left undeveloped and will allow the opportunity to provide a greenway belt link between the park and the neighborhood to the east of the interstate. It will also provide direct access to Hunters Lane from the neighborhood across the interstate without having to go back out on Old Hickory Boulevard.

Considerable discussion occurred about another collector street which would enter this property from the west, and would cross part of Cedar Hill Park, thus connecting Nesbitt Lane with Dickerson Pike. Mr. Caldwell suggested this collector was the better of the two to implement. Staff suggested to the Commission that both collectors should and could be accomplished in the future. Staff suggested that the Commission not treat this matter as trading one potential collector street for another. Staff pointed out that the currently approved PUD calls for implementing a very important link in the collector system, and this link should not be compromised by revising the PUD site plan.

Mr. Manier moved and Ms. Nielson seconded the motion to deny as contrary to the General Plan.

Councilmember Clifton asked if there was anything the Commission could do in terms of a delay.

Chairman Smith said the Commission could defer.

At that point Mr. Randy Caldwell asked for a deferral to give his client the opportunity to amend the plan.

Mr. Manier withdrew his motion to disapprove and Ms. Nielson withdrew her second.

Councilmember Clifton moved and Mr. Harbison seconded the motion, which carried unanimously, to defer this matter for two weeks to allow an opportunity to revise the plan.

Proposal No. 88P-038G

Long Hunter Chase, Phase 3, Section 1
Map 151, Part of Parcel 20
Subarea 13
District 29

A request to revise the approved preliminary plan and for final approval for Phase 3, Section 1 of the Residential Planned Unit Development District abutting the northwest margin of Hobson Pike, approximately 1,160 feet northeast of Derbyshire Drive (10.89 acres), classified RS15, to permit the development of a 35 lot residential complex, requested by JCH Development Company, Inc., owner. **(Also requesting final plat approval). (Deferred from meeting of 05/16/96).**

Mr. Martin noted that the applicant, Mr. Hayes, has proposed sidewalks within the new phase of development as required by the subdivision regulations. However, Mr. Martin pointed out that, in order to link the proposed sidewalks with the nearby commercial area, and to Hobson Pike, an additional 800 feet of sidewalks were needed within portions of the PUD which already had received final PUD approval and which had been sold to another developer, Mr. Zeitlin. Mr. Martin stated neither Mr. Hayes nor Mr. Zeitlin had committed to installing the 800 feet of connecting sidewalks.

Ms. Nielson asked if the applicant understood that all future developments would require sidewalks.

Mr. Hayes stated that was not part of this submittal.

During further discussion the Commission stated installation of the 800 feet of connecting sidewalks would be required to be retrofitted by the owner to those portions of Phase 1, Section 1, already recorded; and be included in Phase 1, Section 2 when submitted by the petitioner for final plat approval.

Ms. Nielson moved and Mr. Harbison seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-386

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-038G is given **REVISED PRELIMINARY APPROVAL AND FINAL APPROVAL FOR A PHASE; FINAL PLAT APPROVAL SUBJECT TO POSTING A BOND IN THE AMOUNT OF \$311,000.00.**

Proposal No. 90P-013U (Public Hearing)

Post Walk Apartments (St. Bernard PUD)
Map 104-11, Parcel 413
Map 104-12, Parcels 73, 356 and 357
Subarea 10
District 18

A request to cancel a 2.38 acre portion of the Commercial (General) Planned Unit Development District (4.22 acres to remain), and to combine the canceled portion with the Vanderbilt-Washington Apartments (3.22 acres) to create a new 5.60 acre Residential Planned Unit Development District abutting the north margin of Bernard Avenue at 21st Avenue South, classified RM6 and OP, to permit the development of a 201-unit residential complex, requested by Littlejohn and Associates, for Post Apartments Development and Charles Jones, owners.

Mr. Martin stated the staff was recommending approval of this development. It would amend an existing office PUD to remove two office buildings proposed on the frontage of St. Bernard Academy property. In the place of these two office buildings a residential PUD would be placed on a portion of the St. Bernard property and the adjacent Vanderbilt-Washington Apartments to allow the renovation or construction of 201 apartments. The apartments would be located on the north side of the St. Bernard Academy driveway, while the south side of the driveway would be used for parking or would remain in undisturbed open space. Mr. Martin stated the staff did recommend that the parking structure proposed to serve the residential units should have an internal connection between the two parking levels.

Mr. Tom White, representing Post Apartments Development, stated they had had several neighborhood meetings and he was there to answer questions.

Mr. Charles Jones stated he owned the property to the rear where the convent building is located and stated he was in favor of the proposal.

Mr. Gary Waddy, with Hillsboro/West End Neighbors, stated he was present to compliment Post Properties on their compatible plan and expressed his concerns regarding greenspace in front of the property and traffic issues.

Councilmember Clifton stated he planned to introduce this bill in Council and had plans to continue discussions with the developers throughout the planning process.

Councilman Clifton moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 96-387

“BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 90P-013U is given **APPROVAL OF CANCELLATION OF A PORTION OF THE COMMERCIAL (GENERAL PUD); AND CONDITIONAL APPROVAL OF THE RESIDENTIAL PUD.** The following conditions apply:

1. Prior to or concurrent with the submittal of the first phase of Final PUD plans, the developer shall submit a Stormwater Management Plan for approval by both Public Works and Water Services. This study shall demonstrate the means by which the developer proposes that the existing 12” combined sewer will be utilized without overflows, or the nature of sewer improvements which the developer proposes to safely serve the project if the existing 12” combined sewer proves inadequate.
2. Reservation of 12’ for possible future right-of-way needs along the front of Parcel 73.
3. Recording of a Final Plat for each PUD prior to the issuance of any building permits.
4. Recording of a revised PUD Boundary Plat prior to any further Final PUD approvals for the Commercial PUD.
5. The roadway improvements proposed in the applicant’s Traffic Impact Study shall be constructed prior to or concurrent with the next Final PUD phase approved, Residential or Commercial, and shall be completed and accepted prior to the issuance of any Use and Occupancy permits.

6. Compliance with the requirements of Codes Administration in their memorandum of May 29, 1996, with regard to building code issues.”

SUBDIVISIONS:

Preliminary Plats:

Subdivision No. 95S-205G (Public Hearing)

Fox Hollow Farms, Section 1

Map 177, Parcels 10-19, 21-26 and 29-33

Map 178, Parcels 69-73

Subarea 6

District 35

A request for reduction in the private roadway width from 23 feet to 20 feet for lots seven through 14 abutting the west margin of State Route 96, opposite Old Harding Pike (173.26 acres), classified within the AR2a District, requested by Duke and Company, owner/developer, Crawford Land Surveyors, surveyor.

Mr. Henry stated the staff was recommending disapproval of this request. Mr. Henry reminded the Commission that it had approved this subdivision in November, 1995, with several exceptions to engineering standards due to the steep topography of the site. However, one technical standard the Commission had required compliance with, and the applicant had agreed to, was a minimum road width of 23 feet. Mr. Henry stated the petitioner was now asking to vary that standard by reducing the road width to 20 feet on one portion of the roadway.

Mr. Henry indicated the staff had asked the petitioner to submit appropriate documentation that physical characteristics of the site required varying the street width. However, Mr. Henry stated the staff had received no information from the petitioner other than a request to defer the matter. Since notification was given that this matter would be a public hearing, staff stated the public hearing at least should be held.

Mr. Matthew Brown and Ms. Beth Hallmark, residents of Fox Hollow Farms, spoke in opposition to the proposal and stated the existing road was deteriorating.

Councilmember Vic Lineweaver asked the Commission not to grant the deferral and asked them to disapprove the proposal.

Mr. Lawson moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 96-388

“**BE IT RESOLVED** by the Metropolitan Planning Commission that the PRELIMINARY Plan of Subdivision No. 95S-205G, is **DISAPPROVED** since the variance requested was not justified based on a demonstrated hardship (Subdivision Regulation 1-10.1).”

Subdivision No. 96S-192U

Blackman Subdivision, Revision

Map 171, Parcels 152 and 153

Subarea 12

District 32

A request to reconfigure two lots abutting the north margin of Cloverland Drive, opposite Cottonport Drive (2.47 acres), classified within the R40 District, requested by John W. Blackman, Jr. and Andrew J. Apple, owners/developers, Ronny G. Brown, surveyor. **(Also requesting final plat approval).**

Mr. Henry stated the staff was recommending approval of a replatting of two lots, one of which already is flag-shaped and therefore violates the four to one ratio requirement of the subdivision regulations. Mr. Henry stated the replatting would straighten the lot lines to be more perpendicular to the street. Mr. Henry stated that approval by the Commission would be affirmation that reorienting the nonconforming lots is appropriate.

Mr. Lawson moved and Mr. Manier seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-389

“BE IT RESOLVED by the Metropolitan Planning Commission that the PRELIMINARY and FINAL Plan of Subdivision No. 96S-192U, is granted **APPROVAL.**”

Final Plats:

Subdivision No. 96S-119G
Rechter-Davis Subdivision
Subdivision No. 96S-166G
BP Exploration and Oil, Inc. Subdivision
Subdivision No. 302-84-G
Bellevue West
Map 128, Parcel 17
Map 142, Parcels 278 and 317
Subarea 6
District 23

A request to subdivide three parcels by dedicating public right-of-way on property abutting the north margin of Memphis-Bristol Highway and the southeast margin of Interstate 40 (9.34 acres), classified within the CH and Commercial Planned Unit Development Districts, requested by Bruce Davis, trustee, Bellevue West Shopping Center, L.L.C. and BP Exploration and Oil, Inc., owners/developers, Barge, Waggoner, Sumner and Cannon, Inc., and Joseph G. Petrosky, Associates, Inc., surveyors.

Mr. Henry stated the three subdivision plats are dedicating and improving a public street that will provide access to properties in this area. He stated the concept has been agreed to by all parties, including Metro, and approval by staff is recommended. He asked the Commission to stipulate that the plat of subdivision would not be released by the secretary of the Planning Commission until all roadwork has been completed, and all litigation has been resolved. Mr. Henry stated the litigation had resulted from disputes involving poor access. With completion of the street, the access issues would be satisfactorily resolved.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which carried with all voting in favor except Mr. Harbison who abstained, to approve the following resolution:

Resolution No. 96-390

“BE IT RESOLVED by the Metropolitan Planning Commission that the FINAL Subdivision Plat is granted **CONDITIONAL APPROVAL with the following conditions: Prior to signing the plat, and subsequent to recording of the final plat with the Davidson County Register of Deeds, the Secretary of the Planning Commission shall receive assurance from (1) the Department of Public Works that all roadway construction is complete and satisfactory and from (2) the Metropolitan Legal Department that the Metropolitan Government is released from pending litigation involving these subdivisions.**”

Request for Bond Extension:

Subdivision No. 94S-295U
Asheford Crossing, Section One
Phillips Builders, Inc., principal

Located abutting the southeast margin of Mt. View Road, approximately 200 feet northeast of Old Franklin Road.

Mr. Henry stated the petitioner is requesting bond extension even though the subdivision is 80 percent built out. He stated the developer is requesting an extension of the bond of \$190,000 until September 1, 1996, because the State Department of Environment and Conservation slowed down their drainage permit procedures, bad weather interrupted street construction, and homes construction has progressed faster than expected.

Mr. Henry suggested the Commission approve bond extension to September 1, 1996, and inform the petitioner that completion of all improvements would be required by September 1, 1996.

Mr. Bodenhamer moved and Ms. Nielson seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-391

"BE IT RESOLVED by the Metropolitan Planning Commission that it hereby APPROVES the request for an extension of a performance bond for Subdivision No. 94S-295U, Bond No. 94BD-087, Asheford Crossing, Section One, in the amount of \$190,000 until September 1, 1996, as requested."

OTHER BUSINESS:

1. Set public hearing date for review of the proposed zoning ordinance.

Mr. Owens advised the Commission of the updates and changes that had been made in the proposed zoning ordinance.

Mr. Harbison moved and Mr. Lawson seconded the motion, which carried unanimously, to set the proposed zoning ordinance public hearing date for June 27, 1996 at 4:00 p.m.

2. Decide the level of citizen participation to be used in updating the Subarea 13 Plan.

Ms. Uken updated the Commission on the status of the Subarea 13 Plan update, the location, boundaries and recapped the levels of citizen participation to be considered. The Level 2 citizen participation was recommended which would involve several community meetings without establishing a Citizens Advisory Committee.

Mr. Tony Derryberry, a resident in Subarea 13, stated he would like to be on the Citizens Advisory Committee or at least have the opportunity to work on the update of the plan.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to adopt Level 2 Citizen Participation for the Subarea 13 Plan Update.

3. APR Fund Appropriation.

Mr. Browning explained the fund appropriation and offered to answer any questions the Commission might have.

Mr. Lawson moved and Mr. Bodenhamer seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 96-392

Appropriation Balance - March 31, 1996	\$49,671.57
Resolution No. 96-	<u>\$175,500.00</u>
Net Appropriation Balance	\$225,171.57

April 1996 Expenditures - Actual:

Salaries	\$6,387.16	
Data Processing	\$37.50	
Advertising	\$394.40	
Consultant's Services	\$42,472.51	
FICA	\$471.34	
Group Health Insurance	\$622.04	
Employer's Pension Contribution	\$859.08	
Group Life Insurance	\$52.00	
Dental Insurance	\$29.84	
Data Processing Equipment	\$17,905.50	(\$69,231.37)
Net Appropriation Balance		\$155,940.20

May and June 1996 Expenditures - Projected:

Salaries	\$10,440.79	
Central Printing Services	\$0.00	
Data Processing Services	\$37.50	
Advertising	\$1,100.00	
Consultant's Services	\$180,083.00	
Office Supplies	\$0.00	
FICA	\$773.05	
Group Health Insurance	\$895.97	
Employer's Pension Contribution	\$1,073.85	
Group Life Insurance	\$91.00	
Dental Insurance	\$52.22	(\$194,547.38)
Net Appropriation Balance		(\$38,607.18)
Revenue in Transit		\$62,648.65

4. Legislative Update.

Mr. Owens provided an update on the current legislative status of items previously considered by the Commission.

PLATS PROCESSED ADMINISTRATIVELY.

18-84-U	Burton Hills, Resubdivision of Tract 22 Created a drainage easement.
93S-343G	McCrory Heights, 1st Revision Amended plat by changing street name.
96S-129U	Homestead Village Nashville-Airport Reconfigures two parcels by amending interior lot line.
96S-142G	Konrad J. E. Vorbusch Subdivision Creates one lot leaving parent parcel over 5.0 acres
96S-184U	Dr. L. G. Noel's Subdivision, Resubdivision of Lots 17 & 18 Divides one lot into two lots

ADJOURNMENT:

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:00 p.m.

Chairman

Secretary

Minute approval:
This 13th day of June, 1996